IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.523 OF 2005

Sarabjeet Singh ..Petitioner.

Vs.

Sandoz (India) Limited ..Respondent.

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Ms.N.D.Buch with Mr.Shailesh More for the Petitioner.

Mr.J.P.Cama, Senior Advocate with Mr.Sanjay Udeshi for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

4th March, 2005.

P.C. :

After the Petition has been argued, counsel appearing on behalf of the Petitioner and for the Respondent are agreed that the following order may be passed without the Court being required to record any further reasons:

i) The impugned order of the Industrial Tribunal dated 25th February, 2004 is quashed and set aside;

ii) The Industrial Tribunal is directed to reconsider the complaint (IT) No.1 of 1995 in Reference (IT) 55 of 1995 after hearing the parties. All the questions are kept open to be urged before and decided by the Tribunal including in particular the question as to whether the Petitioner is a workman concerned in Reference (IT) 55 of 1995 having regard to the provisions of law as contained in Section 33(2)(b) read with 33-A of the Industrial Disputes Act, 1947;

iii) The Petitioner would be at liberty to prove his case in the application under Section 33-A of the Industrial Disputes Act, 1947 either by leading evidence or by producing relevant documentary material before the Industrial Tribunal;

iv) All the rights and contentions of the parties are kept open.

The parties are directed to appear before the Industrial Tribunal for directions on 14th March, 2005. The Industrial Tribunal is requested to endeavour an expeditious disposal of the complaint preferably on or before 30th June, 2005.

The Petition is accordingly disposed of.